

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:11cv332

AMERICAN AUTOMOBILE)	
INSURANCE COMPANY,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	_____
HOWARD JACOBS,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on the Defendant's Motion to Dismiss [Doc. 26] and the Magistrate Judge's Memorandum and Recommendation [Doc. 35] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the Defendant's Motion to Dismiss and to submit a recommendation for its disposition.

On September 27, 2012, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 35] containing proposed conclusions of law in support of a recommendation regarding the Defendant's Motion. The parties were advised that any objections to the Magistrate Judge's Memorandum and

Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

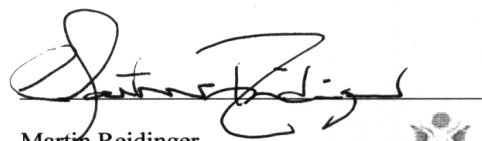
After a careful review of the Magistrate Judge's Recommendation [Doc. 35], the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that the Motion to Dismiss be denied.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's Memorandum and Recommendation [Doc. 35] is **ACCEPTED**, and Defendant Howard Jacobs's Motion to Dismiss [Doc. 26] is **DENIED**.

IT IS FURTHER ORDERED that the Defendant shall file an Answer to the Plaintiff's Complaint within fourteen (14) days of the entry of this Order.

IT IS SO ORDERED.

Signed: October 18, 2012


Martin Reidinger
United States District Judge

